

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:17-CR-164

CHIEF JUDGE EDMUND A. SARGUS, JR.

v.

AGUILAR-RIVERA et al.,

Defendant.

**CASE MANAGEMENT ORDER NO. 1**

**March 21, 2018 Conference**

This matter came before the Court on March 21, 2018, for a scheduling conference. This Case Management Order (“CMO”) memorializes the events from that conference.

1. Scheduling

The Court provided an overview of the case and its idea of how to manage the numerous defendants and counsel in an efficient manner. The Court intends to lock in reasonable, manageable dates on which all involved can depend, appoint an ad hoc committee to facilitate communication, and hold conferences every fourth Wednesday. The Court expounded on these management strategies and discussed other items as indicated *infra*.

2. Ad Hoc Committee Appointment

In complex litigation where there are numerous parties and attorneys, it is typical to form a smaller committee to act as facilitators. The Committee is not designed to make any substantive decisions. Instead, its role will be to offer scheduling proposals to all defense counsel, and communicate issues to the Court that may be handled short of filing motions. The

Court proposed the following three members for the Ad Hoc Committee, who were appointed without objection from the remaining counsel: Steven S. Nolder, Frederick Douglas Benton, Jr., and Gregory Scott Peterson.

3. Budgetary Items

The Court discussed budget issues that are unique to death penalty cases. There are specific budgetary limits and procedures regarding financial allotments for interpreters and private investigators. Defense counsel expressed an interest in having a conference with a Sixth Circuit representative to provide information on the details of billing in death penalty cases.

4. Ad Hoc Committee Scheduling Proposal

The Ad Hoc Committee shall consult with all defense counsel and the United States Attorney's Office and provide at the next case management conference an agreed proposed schedule consisting of the following:

- a. Deadline for mitigation evidence to be provided to the government.
- b. Deadline for final death penalty notice to be provided to the Court.
- c. Motions deadlines.
- d. Proposed tentative first trial date.
- e. Dates defense counsel will be available for a conference with the Sixth Circuit representative to provide information on the details of billing in death penalty cases.
- f. Any other deadlines the parties believe are necessary to schedule at this juncture.

If the Ad Hoc Committee cannot obtain unanimity as to the proposed schedule, it should note that as a topic on the agenda for the case management conference.

5. Appointment of Co-Counsel

There are 16 defendants in this case that are charged with crimes that are death penalty eligible. Under 18 U.S.C. § 3005, an individual who is indicted for a “capital crime shall be allowed to make his full defense by counsel,” and therefore this Court “shall promptly, upon the defendant’s request, assign 2 such counsel, of whom at least 1 shall be learned in the law applicable to capital cases, and who shall have free access to the accused at all reasonable hours.”

The Court proposed that the attorneys assigned to a defendant who is death penalty eligible submit an ex parte letter suggesting co-counsel. If the attorney cannot find someone to offer as co-counsel, he or she shall inform the Court of the same in an ex parte letter. The Court will then assist by making the necessary connections at the national level.

All parties agreed to this process, and the deadline to having it completed within **30 days of the date of this CMO.**

6. Motions

The Court discussed the currently pending motions, which the parties indicated are not ready for hearing or decision. (ECF Nos. 83, 84, 87, 88.) If the parties file a motion that needs early or quick resolution, they should inform the Court of such at a case management conference or by other means.


7. Next Conference

The next case management conference is scheduled for **April 18, 2018 at 9:00 a.m.** The attorneys may participate either in person or by telephone. The Court will docket a notice for each conference.

The Ad Hoc Committee shall provide a proposed agenda to the Court **2 days prior** to the case management conference.

**IT IS SO ORDERED.**

3-22-2018  
DATE

  
EDMUND A. SARGUS, JR.  
CHIEF UNITED STATES DISTRICT JUDGE